**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.4248 OF 2005**

Kunal Jai Singh & ors. ... Applicant
Versus.
The State of Maharashtra. ... Respondent.

Shri G.V.Bhagat for the Applicant.

Mas.M.H.Mhatre, A.P.P. for the Respondent.

**CORAM : ABHAY S. OKA, J.**

**DATED : 11th July, 2005.**

**P.C.:**

1. Prayer is made for modification of the order passed by the learned Additional Sessions Judge, which reads thus:

(2) Accused No.1 Kunal, accused No.2 Ajju and accused No.3 Abdul be released on bail in the sum of Rs.20,000/- each and like amount of one surety each plus cash surety of Rs.5,000/- each.

(3) If accused remain absent, his cash surety shall be forefeited instantaneously.

(4) All accused shall attend the police station on first and third Thursday of

every month between 10.00 a.m. and 5.00 p.m. until the charge sheet is filed and thereafter continue but until the satisfaction of learned J.M.F.C."

The learned Counsel for the Applicant submitted that all the three Applicants are students and it is impossible for them to furnish surety in the sum of Rs.20,000/-. He submitted that the order directing furnishing cash surety in addition to bail amount is illegal and harsh.

2. After having heard the learned Counsel for the Applicant and the learned A.P.P. for State, I find that case is made out for modification of the order. The learned A.P.P. at this stage submitted that the Applicants Nos.2 and 3 are not students and they are employed. However, it is to be noted that the age of Applicant No.2 is stated to be 18 years and the age of the Applicant No.3 is 20 years.

3. In view of the above discussion, the following order is passed:

(i) Clause 2 of the order dated 1st July 2005 will be substituted by following:

. "Accused Nos.1, 2 and 3 shall be enlarged on bail subject to condition

of furnishing personal bond in the sum of Rs.15,000/- each with one surety each in like amount."

(ii) Parties to act on authenticated copy of this order.

**Judge.**